REMARKS

Claims 1 and 3-20 are currently pending in the application and stand rejected. In order to expedite prosecution, the Applicants are amending independent claims 1, 6, and 13. No new matter was introduced by way of the amendments. The Applicants make no admissions or waives any arguments related to the *Office Action* by making the amendments. The Applicants reserve the right to pursue the unamended claims in a later application.

Claim Rejections – 35 USC § 102

The Examiner rejected claims 1, 3-4 and 13-20 under 35 USC 102(b) as being anticipated by Haitsuka et al. (6,847,992 hereinafter *Haitsuka*).

Regarding claim 1,

The Applicants respectfully submit that *Haitsuka* does not appear to teach or suggest "receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts" or "alerting the user when the consumer data meets the alert conditions" as required by the claim as amended. In fact, the Applicants are unable to find the term "alert" anywhere in the claim. As such, Applicants respectfully submit that *Haitsuka* does not teach each and every element of the claim.

Further, the Applicants respectfully submit that *Haitsuka* does not appear to teach a database that "comprises a plurality of hierarchy tables" as required by claim 1 as amended. The Examiner stated that *Haitsuka* teaches hierarchy tables "because Haitsuka teaches 'a file that includes a collection of each of the relevant click-through' (col. 18, lines 14-17). As can be seen by Haitsuka above, the information is stored in a file (database) as tables and the file/database includes relevancy (hierarchy, order, importance, etc) information" (*Office Action*, p. 6). The Applicants respectfully disagree. The Applicants respectfully submit that *Haitsuka* does not appear to disclose, and the Examiner has not shown that *Haitsuka* teaches or suggests, that information stored in a file includes relevancy. The Applicants respectfully submit that the terms "relevancy,"

"hierarchy," and "importance" do not appear to be anywhere in *Haitsuka*. Further, the "order" information contained within the tables and the files doe not appear to be discussed in *Haitsuka*.

In fact, col. 18, lines 14-17 of *Haitsuka* cited by the Examiner discloses "the Summary Record does not include any statistical analysis, but merely comprises a file that includes a collection of each of the relevant Click-Through records that were identified in step 825." The Applicants respectfully point out that *Haitsuka* does not teach that the tables and the file includes relevancy as the Examiner argues, rather, *Haitsuka* teaches that a file contains a collection of Click-Through records that are relevant to a step of identification performed in step 825. As such, the Examiner has not established a case of anticipation.

Further, the Examiner rejected claim 1 stating that *Haitsuka* discloses "[r]eceiving consumer data from client computers (see Figure 7, 720)" (*Office Action*, p. 2). The Applicants respectfully point out that element 720 of Figure 7 is a decision of a method labeled "user clicks-through?" Element 720 of Figure 7 does not teach or disclose the step of receiving much less receiving consumer data from client computers (i.e., receiving consumer data from multiple computers). Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation.

The Examiner also rejected claim 1 stating that *Haitsuka* discloses "receiving user selected values from a front end, the front end having a selection area with user selectable values that change depending on an initially selected value (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor defined criteria (Figure 8, 820)" (*Office Action*, p. 2). The Applicants respectfully point out that element 820 of Figure 8 is a method step labeled "identify relevant records." Element 820 of Figure 8 does not teach or disclose the step of receiving, a front end, whether the front end has a selection area, or whether the selection area has user selectable values that change. The Applicants respectfully submit that the cited art does not appear to teach or suggest any of the elements of "receiving user selected values from a front end, the front

end having a selection area with user selectable values that change depending on an initially selected value" as required by the claim. Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation.

The Examiner also rejected claim 1 stating that *Haitsuka* teaches "extracting data from the database based on the user selected values (Figure 8, 835)" (*Office Action*, p. 2). The Applicants respectfully point out that element 835 of Figure 8 is a method step labeled "provide summary to sponsor." Element 835 of Figure 8 does not teach or disclose the step of extracting data, much less extracting data from a database based on the user selected values from the front end. Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation.

The Examiner has argued that "Applicant argues that Haitsuka doesn't teach receiving user selected values from a front end or interface displaying a selection are that change depending on an initially selected value. The Examiner disagrees with Applicant because the claim calls for a 'user' the user is assumed to be an entity different from the claimed 'consumer of lines 3 and 5 of claim 1 and therefore the Examiner is construing the 'user' to be the OSP server selecting different sorting/values criteria in order to identify the records that are relevant depending on the value or criteria searched" (*Office Action*, p. 6). The Applicants respectfully point out the OSP server is not a "user" for purposes of the claim. The OSP server is defined in *Haitsuka* as including the tables and figures (see Figure 2 of *Haitsuka*). In fact, *Haitsuka* does not appear to teach or disclose the OSP server displaying any information, much less the OSP server displaying information before the OSP server performed an action without further input from a user.

Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation. As stated in MPEP 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987) Further, as described in MPEP 706.07, "[i]n making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection."

For at least these reasons, the Applicants request that the rejection to claim 1, as well as the rejections to all claims that depend upon claim 1, be withdrawn and the claims allowed.

Regarding claims 3 and 4,

For at least the reasons discussed with regard to claim 1, the Applicants respectfully request that the rejections to claims 3 and 4 be withdrawn

Regarding Claim 13,

As discussed regarding claim 1, the Applicants respectfully submit that *Haitsuka* does not appear to teach or suggest "receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts" or "alerting the user when the consumer data meets the alert conditions" as required by the claim as amended. In fact, the Applicants are unable to find the term "alert" anywhere in the claim. As such, Applicants respectfully submit that *Haitsuka* does not teach each and every element of the claim.

Further, the Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, the rejection should be withdrawn As described in MPEP 706.07, "[i]n making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal

unless a single previous Office action contains a complete statement supporting the rejection."

In particular, the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses "the front end having an interface displaying selection areas that are driven by a plurality of hierarchy tables of the database, wherein the plurality of hierarchy tables are arranged in a hierarchy topology with a lowest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a highest number of dimensions and a highest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a single dimension" as required by the claim. In fact, *Haitsuka* does not appear to teach a hierarchy of tables arranged in a hierarchy topology with a lowest level hierarchy table comprising facts associated with a highest number of dimensions and a highest level hierarchy table comprising facts associated with a single dimension as required by the claim. *Haitsuka* does not appear to discuss a structure a database, or the organization of the contents of tables. Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

Further, the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses "determining a first hierarchy table among the plurality of hierarchy tables of the database, the first hierarchy table comprising facts associated with all of the selected dimensions" as required by the claim. Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

The Examiner stated that "Haitsuka teaches receiving a plurality of selected dimensions of a database from a font end user, the front end having selection areas that are driven by tables at the database (i.e. the sponsor identify relevant criteria and records of information they want to receive) (Figure 18, 820 and col. 18, lines 20-24)" (*Office Action*, p. 3). The Applicants respectfully point out that the cited portion of *Haitsuka* does not appear to teach "receiving a plurality of selected dimensions of a database from a front end, the front end having an interface displaying selection areas that are driven by

a plurality of hierarchy tables of the database" as required by the claim. The Applicants respectfully point out that element 820 of Figure 8 is a method step labeled "identify relevant records." Col. 18, lines 20-24 of *Haitsuka* discloses:

> In another embodiment, the summary record includes the
> results of the statistical analysis performed in step 825,
> including objects associated with text and graphical
> displays, such as tables and graphs, to assist the sponsor in
> analyzing the data

The Applicants respectfully point out that the cited element and content of *Haitsuka* does not appear to teach or suggest the step of "receiving" much less "receiving a plurality of dimensions." The cited portion of *Haitsuka* appears to disclose identifying records and performing statistical analysis to assist the sponsor. The cited portion of *Haitsuka* does not teach that anything is received from the sponsor much less a plurality of dimensions. Further, the cited portion does not teach a front end or any information about the front end, such as that the front end has "an interface displaying selection areas that are driven by a plurality of hierarchy tables of the database" as required by the claim. Moreover, the cited portion of *Haitsuka* does not appear to teach that the displayed selection areas of the interface of the front end are driven by a plurality of hierarchy tables of the database. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, has not established a case of anticipation.

Further the Examiner rejected claim 13 stating that *Haitsuka* teaches "extracting data from the hierarchy table to generate extracted data (Figure 8, 835)" (*Office Action*, p. 3). Element 835 of Figure 8 is a box of a flowchart labeled "Provide summary to sponsor." The Applicants respectfully point out that the step of element 835 of Figure 8 only indicates that a summary is provided to a sponsor. The cited art does not appear to teach or suggest the step of extracting data or that data is extracted from a hierarchy table. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, has not established a case of anticipation.

The Examiner also rejected claim 13 stating that *Haitsuka* teaches "filtering the extracted data using filter parameters received from the front end to generate filtered data; and providing the filtered data to a client computer running the front end (Figure 8, 835 and col. 18, lines 20-24)" (*Office Action*, p. 3). As discussed herein, element 835 of Figure 8 only indicates that a summary is provided to a sponsor. Col. 18, lines 20-24 indicate (see above) that a summary record includes the results of a statistical analysis and includes "objects associated with text and graphical displays, such as tables and graphs, to assist the sponsor in analyzing the data." The cited portions of *Haitsuka* do not appear to teach that filtering extracted data is performed using "filter parameters received from the front end." In fact, the cited portions of *Haitsuka* do not appear to teach a front end, much less that filter parameters may be received from the front end or that filtered data is provided to a client computer running the front end. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, has not established a case of anticipation.

For at least these reasons, as well as the reasons discussed with regard to claim 1, the Applicants request that the rejection to claim 13, as well as the rejections to the claims that depend upon claim 13, be withdrawn.

Regarding claim 14,

As discussed herein, the Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, the rejection should be withdrawn. As described in MPEP 706.07, "[i]n making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection."

In particular, the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 14 including "wherein filtering the

extracted data includes performing conditional operations on the extracted data." Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1 and 13, the Applicants request that the rejection to claim 14 be withdrawn.

Regarding claim 15,

The Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 15 including "wherein the first hierarchy table includes data obtained from client programs monitoring a consumer online activity." Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1 and 13, the Applicants request that the rejection to claim 15, as well as the rejections to the claims that depend upon claim 15, be withdrawn.

Regarding claim 17,

The Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 17 including "wherein each of the plurality of hierarchy tables contains at least one dimension related to online advertising." Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1 and 13, the Applicants request that the rejection to claim 17 be withdrawn.

Regarding claim 20,

The Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 20 including "method of claim 13 further

comprising displaying at least some of the filtered data on the client computer." Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1 and 13, the Applicants request that the rejection to claim 20 be withdrawn.

Regarding claims 16 and 18-19,

For at least the reasons discussed with regard to claims 1, 13, and 15, the Applicants request that the rejections to claims 16 and 18-19 are withdrawn.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 5-12 under 35 USC 103(a) as being anticipated by *Haitsuka*.

Regarding claim 5,

The Examiner rejected claim 5 taking official notice that Analytical Processing Databases (OLAP) are "old and well known to…summarize view of business data" (*Office Action*, p. 4). MPEP 2144.03 states that "if official notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear an unmistakable" (MPEP 2144.03(B)). The Applicants traverse Examiner's conclusory statement that Analytical and Processing Databases used with analyzing online advertising information are old and well known.

MPEP 2144.03(c) states that "if Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence." If applicant traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial

evidence test). The Applicants respectfully submit that Analytical and Processing Databases used with analyzing online advertising information are not common knowledge or well-known in the art. As such, the Examiner must provide documentary evidence in the next office action if the rejection is to be maintained.

For at least these reasons, as well as the reasons discussed with regard to claim 1, the Applicants request that the rejection to claim 5 be withdrawn.

Regarding claim 6,

As discussed regarding claim 1, the Applicants respectfully submit that *Haitsuka* does not appear to teach or suggest "receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts" or "alerting the user when the consumer data meets the alert conditions" as required by the claim as amended. In fact, the Applicants are unable to find the term "alert" anywhere in the claim. As such, Applicants respectfully submit that *Haitsuka* does not teach each and every element of the claim.

Further, as discussed regarding claim 13 above, the Applicants respectfully submit that the Examiner has not shown that *Haitsuka* teaches each and every element of the claim and, therefore, the rejection should be withdrawn. As described in MPEP 706.07, "[i]n making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection."

In particular, the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses "executing a front end for a database" or "the database comprising a plurality of hierarchy tables of the database, wherein the plurality of hierarchy tables are arranged in a hierarchy topology with a lowest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a highest number of dimensions and a

highest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a single dimension" as required by the claim. Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of anticipation is improper.

Further, the Examiner stated that "Haitsuka further teaches a first selection area for selecting a first set of values (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor define criteria) (Figure 8, 820) (*Office Action*, p. 4). As discussed regarding claim 1, element 820 of Figure 8 is a method step labeled "identify relevant records." Element 820 of Figure 8 does not teach or disclose "a first selection area for selecting a first set of values" much less "displaying an interface of the front end, the interface comprising: a first selection area for selecting a first value from a first set of values" as required by the claim. Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation.

The Examiner took official notice "that it is old and well known that based on the user entry to automatically provide a second set of values. For example, when a user enters that he or she wants to listen to 3 minutes of advertisements or the like, the system automatically retrieve from the database a list of ads that are for 3 minutes or less from which the user would make a second selection from in order to comply with the user request" (*Office Action*, p. 4) The Applicants respectfully traverse.

MPEP 2144.03 states that "if official notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear an unmistakable" (MPEP 2144.03(B)). The Applicants respectfully submit that "to automatically provide a second set of values" is not old and well known. Claim 6 requires "displaying an interface of the front end [the front end of a database as described in the claim], the interface comprising... a second area for selecting a second value from a second set of values, the second set of values being automatically displayed by the front end in the second selection area based on the first value, wherein the first and second values refer to a first dimension associated with at least one hierarchy table of the

plurality of hierarchy tables within the a database" MPEP 2144.03(c) states that "if Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence." The Examiner has not provided official notice of all of the elements of the claim.

For support, the Examiner states that, [f]or example, when a user enters that he or she wants to listen to 3 minutes of advertisements or the like, the system automatically retrieve from the database a list of ads that are for 3 minutes or less from which the user would make a second selection from in order to comply with the user request" (*Office Action*, p. 4). The claim does not claim a player for listening to music nor has the Examiner shown that the front end comprises a player. Further, the Examiner has not shown in the example how the second set of values are automatically displayed by a front end in the second selection area based on a first value, wherein the first and second values refer to a first dimension associated with at least one hierarchy table of the plurality of hierarchy tables within the a database.

The Applicants traverse Examiner's assertion of official notice. If Applicants traverse the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test).

Further, as discussed herein, *Haitsuka* does not appear to teach or suggest hierarchy tables as described in the claim, a front end, an interface to a front end, or the interface comprising a first selection area and a second selection area. The Applicants respectfully state that the Examiner has not shown, nor taken Official Notice of each and ever element of the claim, and, therefore, the Examiner has not established a case of anticipation.

For at least these reasons, as well as the reasons discussed with regard to claim 1 and 13, the Applicants request that the rejection to claim 6, as well as the rejections to the claims that depend upon claim 6, be withdrawn.

Regarding claims 7-9,

For at least the reasons discussed regarding claims 1, 5, 6, and 13, the Applicants request that the rejections to claim 7-9 be withdrawn.

Regarding claim 10,

The Examiner rejected claim 10 stating that "Haitsuka further teaches consumer data collected by a client program in a client computer (Figure 7, 720)" (*Office Action*, p 5). As stated regarding claim 1, the Applicants respectfully point out that element 720 of Figure 7 is a decision of a method labeled "user clicks-through?" Element 720 of Figure 7 does not teach or disclose the step of receiving much less receiving consumer data from client computers (i.e., receiving consumer data from multiple computers). Since the cited portion of *Haitsuka* does not appear to teach each and every element of the claim, the Examiner has not established a case of anticipation.

For at least these reasons, as well as the reasons discussed regarding claims 1, 6, and 13, the Applicants request that the rejection to the claim be withdrawn.

Regarding claims 11 and 12,

For at least reasons discussed regarding claims 1, 6, and 13, the Applicants request that the rejection to the claims be withdrawn.

The Applicants respectfully request entry of these amendments and new claims as provided herein. The application is believed to be in condition for allowance and a Notice of Allowance is hereby respectfully requested. If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account 50-4561.

Respectfully submitted,

Date: _August 25, 2009_

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